

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK RILEY,
Plaintiff,

v.

CHARLES RILEY,
Defendant.

Case No. [21-cv-01076-EMC](#)

ORDER TO SHOW CAUSE

On May 27, 2021, the Court ordered the parties to participate in court-sponsored mediation. Docket No. 27. On September 9, 2021, the Court granted Plaintiff's counsel's motion to withdraw due to irreconcilable differences. Docket No. 39. The Court ordered a 45-day stay of proceedings for Plaintiff to locate attorney representation or, if Plaintiff intended to represent himself, to register as an ECF participant or provide a physical address and telephone number for service. *Id.* The Court directed Plaintiff's former counsel to convey to Plaintiff that Plaintiff is required to work with defense counsel in preparation for the joint case management conference on November 16, 2021 and will be required to attend all future court proceedings. *Id.*

To date, more than 60 days since the Court's September 9 order, Plaintiff has failed to comply with the Court's order: Plaintiff neither has had an attorney enter an appearance on his behalf, nor has Plaintiff registered as an ECF participant or provided his contact information to represent himself. Moreover, On November 11, 2021, Defendant filed a case management statement in preparation for the November 16, 2021 case management conference. Plaintiff did not participate in the preparation of the statement and Defendant noted that Plaintiff did not make his contact information available to Defendant. Docket No. 40. The Court held a case

1 management conference on November 16, 2021. Plaintiff did not appear at the conference, nor
2 did a representative appear on Plaintiff's behalf. To date, Plaintiff has not engaged with
3 Defendant to participate in court-ordered mediation.

4 Thus, the Court **ORDERS** Plaintiff to show cause why this case should not be dismissed
5 with prejudice for Plaintiff's failure to comply with the Court's orders and for Plaintiff's failure to
6 prosecute.

7 Plaintiff will have 21 days from entry of this order to respond. Defendant has 7 days from
8 the date Plaintiff responds to reply. Service of this order is to be made on Plaintiff's former
9 counsel, Seth Wiener, who is directed to forward this order to Plaintiff, and by email to Plaintiff's
10 last known email address. A hearing regarding this order to show cause is set for **January 6, 2022**
11 **at 1:30 p.m.**

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13 **IT IS SO ORDERED.**

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15 Dated: November 22, 2021

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18 EDWARD M. CHEN
19 United States District Judge
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